

**Remarks**

At the time of the Office Action claims 1-18 were pending. Claims 1-7, 9, 11-13, 16 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,855,395 to Rabbani et al. (hereinafter Rabbani). Claims 8, 10, 14, 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Rabbani in view of U.S. Patent No. 6,429,896 to Aruga et al.

In the present amendment claims 1 and 6-11 are amended, claims 2-5, 7, 9, 10, 12, 13 and 15-18 are canceled without prejudice or disclaimer, and claim 14 remains unchanged. Furthermore, new claims 19-21 are submitted. Support for the claim amendments and new claims may be found in the specification at, for example, as-filed pages 15-18 and FIG. 7. Accordingly, it is submitted that the claim amendments and new claims introduce no new matter. In view of the amendments and remarks that follow, the Applicants respectfully request reconsideration and allowance.

Rabbani discloses a method for a digital camera that “frees up memory space to capture additional images.” (col. 2, lines 66-67) Rabbani describes a method for freeing-up memory space as “each time a new picture is taken, the quality of some of the *previously captured images* is reduced, while maintaining their resolution, by deleting their higher-order quality layers...” (col. 3, lines 3-6, emphasis added) Rabbani further describes this method with respect to a pruning algorithm (block 200 of FIGS. 3A and 5). Regarding the pruning algorithm, Rabbani states, “Once the amount of unused memory space is less than T (block 150), a pruning algorithm (block 200) is invoked to determine the particular quality levels of the particular *stored images* that can be deleted to create space for the next picture.” (col. 5, lines 40-45, emphasis added) According to this passage and column 6, lines 54-60, it is understood that Rabbani frees-up memory space for additional images by varying the resolution and/or compression ration of already-stored images.

The Applicants have amended independent claims 1 and 11 to more clearly recite patentably distinguishing features of the Applicants’ digital camera. In particular, the Applicants have amended independent claim 1 to recite that the Applicants’ digital camera “at the second time reduces *only* the second file size of the additional digital image...” (emphasis added) Furthermore, the Applicants have amended claim 11 to recite that the Applicants’ digital camera includes the feature of a “means for determining,” that “controls the image signal processing means to change one or both of the resolution and the compression ratio set by the setting means *for only the newly-captured image*...” In view of the amendments to claims 1 and 11, it can be appreciated that the Applicants’ digital camera

maintains already-stored images in their respective resolutions and compression ratios while only changing one or both of a resolution and compression ratio of a newly-captured or additional image. In view of the foregoing, it is submitted that claims 1 and 11 distinguish over Rabbani and are allowable because Rabbani's pruning algorithm does not act on a newly-captured or additional image that has not yet been stored in the memory. Furthermore, it is submitted that claims 6-10 and 14-15 that depend directly or indirectly from claims 1 and 11 are allowable at least for the foregoing reasons.

Claims 19-21 are submitted to more particularly and distinctly recite the Applicants' method for saving images in a digital camera. As explained above, Rabbani describes a method that adjusts resolution and/or compression ratio of already-stored images in a camera's memory. As can be appreciated from the steps of claim 19 that relate to the additional image (i.e., the capturing, determining, comparing, automatically adjusting, processing and storing steps), the Applicants' method does not adjust the file size of the image file. Rather, in contrast to Rabbani, the Applicants' method adjusts an expected file size of an additional image which has been captured but has not yet been stored in the storage means. In view of the foregoing, it is submitted that claim 19 distinguishes over Rabbani and is allowable. Furthermore, it is submitted that claims 20-21 that depend directly or indirectly from claim 19 are allowable at least for the foregoing reasons.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

/brian c. rupp/

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